

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF)	
KENTUCKY, IN. FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT AN ADDITIONAL)	CASE NO. 94-504
CELL FACILITY IN THE LOUISVILLE,)	
KENTUCKY METROPOLITAN STATISTICAL AREA)	
(I-65/I-265 CELL FACILITY))	

O R D E R

On December 14, 1994, Contel Cellular of Kentucky, Inc. ("Contel Cellular") filed with the Commission an application for a Certificate of Public Convenience and Necessity to construct, at 9403-U Blue Lick Road, Louisville, Kentucky, a 185 foot self-supporting cellular communications tower, with antennas and equipment shelter. Subsequently, the Commission received letters from several persons (the "Petitioners") who requested intervention, stating that they reside near the site of the proposed construction. These letters were submitted in one package mailed by J.F. Riggs, Jr., and were identical form letters upon which Petitioners wrote their respective names and addresses. The Commission granted Petitioners' requests for intervention and, for administrative purposes, designated Mr. Riggs spokesperson for the Petitioners.

On April 6, 1995, Contel Cellular filed the original and 10 copies of a letter that is signed by Mr. Riggs and that memorializes an agreement reached by Contel Cellular and Mr. Riggs.

Contel Cellular has agreed to amend its application to reflect that its proposed facility will be a monopole rather than a tower. However, Contel Cellular will file the amendment only after the Commission has determined that none of the Petitioners wish to pursue a hearing in light of the proposed amendment to the application. Should any of the Petitioners request a hearing, Contel Cellular's agreement to amend its application will be void.

It remains necessary to ascertain whether, in his acceptance of the agreement, Mr. Riggs' interests remained representative of the Petitioners'. Accordingly, each of the Petitioners, whose names and addresses are listed in Appendix A hereto, will be mailed a copy of this Order. Each is hereby afforded the opportunity to notify the Commission if he refuses to accept the terms of the agreement and wishes to pursue this matter, on his own behalf, to a hearing.


IT IS THEREFORE ORDERED that unless one of the Petitioners files, within 10 days of the date of this Order, a request for a hearing and statement of intention to pursue this matter on his own behalf, Contel Cellular shall file the agreed-upon amendment to its application, and this matter shall stand submitted to the Commission.

Done at Frankfort, Kentucky, this 13th day of April, 1995.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 94-504 DATED APRIL 13, 1995.

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